

**From:** [John J. McNally](#)  
**To:** [Floyd, Tanya](#)  
**Cc:** [Swanson, Courtney](#); [Krull, Joseph](#); [Woodruff, Kevin](#); [Snow, Jim](#); [Armstrong, Gregory](#); [Montanez, Yeliann](#)  
**Subject:** RE: Montco Research Products Site - Section 104 (e) Information Request extension to Tuesday, March 3, 2020  
**Date:** Monday, March 2, 2020 12:46:00 PM

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Tanya/all – I had intended to respond last week to thank you for the additional time to address this. I have been in contact with Mr. Sunoo concerning some additional information and I am completing the responses to the information requests and will send by tomorrow. And we are available to speak tomorrow afternoon to discuss the site information and status of present conditions and work to dispose of the containers and address with EPA.

I will forward you the responses and we can communicate and address the work requirements at the site.

Thank you.

John

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**From:** Floyd, Tanya [mailto:Floyd.Tanya@epa.gov]

**Sent:** Thursday, February 27, 2020 4:31 PM

**To:** John J. McNally

**Cc:** Swanson, Courtney; Krull, Joseph; Woodruff, Kevin; Snow, Jim; Armstrong, Gregory; Montanez, Yeliann

**Subject:** RE: Montco Research Products Site - Section 104 (e) Information Request extension to Tuesday, March 3, 2020

John,

EPA is hereby granting your second request for an extension of time to both submit your clients' **complete** responses to EPA's January 6, 2020 information request and your clients' offer to conduct the time critical removal action to **Tuesday, March 3, 2020**. If your clients seek to perform the time critical removal action, their offer to do so needs to include all the information and documents listed in the January 6, 2020 letter. Your clients' responses are to be received by the EPA by 5 pm on Tuesday, March 3, 2020. Please also send electronic copies of the responses to Yeli at [montanez.yeliann@epa.gov](mailto:montanez.yeliann@epa.gov) on or before 5 pm on Tuesday, March 3, 2020.

Are you available for a call with EPA on Tuesday, March 3, 2020, at 3:45 pm? If so, what number shall the EPA call?

Best regards,

Tanya

Tanya Floyd

Regional Judicial Officer

Attorney

U.S. Environmental Protection Agency, Region 4

61 Forsyth Street, S.W.

Atlanta, Georgia 30303

Phone: (404) 562-9813

Email: [floyd.tanya@epa.gov](mailto:floyd.tanya@epa.gov)

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**From:** John J. McNally <[john@mcnallylawpa.com](mailto:john@mcnallylawpa.com)>

**Sent:** Tuesday, February 25, 2020 5:58 PM

**To:** Floyd, Tanya <[Floyd.Tanya@epa.gov](mailto:Floyd.Tanya@epa.gov)>

**Cc:** Swanson, Courtney <[Swanson.Courtney@epa.gov](mailto:Swanson.Courtney@epa.gov)>; Krull, Joseph <[krull.joseph@epa.gov](mailto:krull.joseph@epa.gov)>; Woodruff, Kevin <[Woodruff.KevinL@epa.gov](mailto:Woodruff.KevinL@epa.gov)>; Snow, Jim <[Snow.James@epa.gov](mailto:Snow.James@epa.gov)>; Armstrong, Gregory <[Armstrong.Greg@epa.gov](mailto:Armstrong.Greg@epa.gov)>; Montanez, Yeliann <[Montanez.Yeliann@epa.gov](mailto:Montanez.Yeliann@epa.gov)>

**Subject:** RE: Montco Research Products Site - Section 104 (e) Information Requests/Invitation

Tanya – thank you. I have actually been in communication with Mr. Sunoo and others familiar with the history and operations related to Montco Research Products and the information requested by the EPA in the January 6<sup>th</sup> letter. I have been in communication with the accountant for Montco concerning the financial information and tax returns for Montco and the same for Mr. Sunoo. I have also been in communication with Mr. Sunoo concerning the responses to the Requests for Information and I am completing those. I do not know if I will have everything you want, but I am trying to get whatever information I can get and I will send to you, along with what I have provided you already.

I responded to the email from Yeli as well concerning the status and in accordance with your email message, I requested consideration until this Friday, Feb 28<sup>th</sup>, or Monday, March 2<sup>nd</sup>, to provide everything we have in response to the EPA Request. Additionally, we could arrange for a call later this week to discuss this information and the status and coordination of efforts at the site. Please let me know and we can discuss.

Thank you.

John.

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**From:** Floyd, Tanya [<mailto:Floyd.Tanya@epa.gov>]

**Sent:** Friday, February 21, 2020 6:05 PM

**To:** John J. McNally

**Cc:** Swanson, Courtney; Krull, Joseph; Woodruff, Kevin; Snow, Jim; Armstrong, Gregory; Montanez, Yeliann

**Subject:** RE: Montco Research Products Site - Section 104 (e) Information Requests/Invitation

John,

As you are aware, your clients’ **complete** responses to EPA’s January 6, 2020 information request were due by close of business on Tuesday, February 18, 2020, based upon the extension you requested and were granted by the EPA. You have sent several emails since the submittal deadline ended stating you will send responses “as soon as possible” and have yet to ask for an extension or provide an exact date and reason(s) when you WILL send complete responses to the information request.

Please provide an **exact date** when you will send complete responses to EPA’s January 6, 2020 information request so that Yeli and I may consult with our clients to determine if an extension may be granted. Please also provide your reason(s) for requesting an extension on behalf of your clients.

Additionally, please provide the **exact date** you will submit your clients' offer to complete the time critical removal action, including all supporting documentation and information, as specified and requested in the EPA's January 6, 2020 General Notice, Demand for Payment, and Information Request letter, which is attached.

Thank you,

Tanya

Tanya Floyd

Regional Judicial Officer

Attorney

U.S. Environmental Protection Agency, Region 4

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**From:** John J. McNally <[john@mcnallylawpa.com](mailto:john@mcnallylawpa.com)>

**Sent:** Friday, February 21, 2020 5:22 PM

**To:** Montanez, Yeliann <[Montanez.Yeliann@epa.gov](mailto:Montanez.Yeliann@epa.gov)>

**Cc:** Floyd, Tanya <[Floyd.Tanya@epa.gov](mailto:Floyd.Tanya@epa.gov)>; Swanson, Courtney <[Swanson.Courtney@epa.gov](mailto:Swanson.Courtney@epa.gov)>; Krull, Joseph <[krull.joseph@epa.gov](mailto:krull.joseph@epa.gov)>; Woodruff, Kevin <[Woodruff.KevinL@epa.gov](mailto:Woodruff.KevinL@epa.gov)>; Snow, Jim <[Snow.James@epa.gov](mailto:Snow.James@epa.gov)>

**Subject:** RE: Montco Research Products Site - Section 104 (e) Information Requests/Invitation  
Yeli – I have provided you the other information in response to the EPA letter and requests for information and documents, including the last Remedial Action O&M/Groundwater Monitoring Report and inventory of the chemical containers at the facility. As you know, I have obtained a proposal from Safety Kleen/Clean Harbors for the proper removal and disposal of the containers and materials. I am also completing the responses to the Requests for Information and will transmit as soon as possible. I will provide you with the proposal from Safety Kleen and we can discuss relative to removal and disposal.

Please let me know any questions and if we can plan to discuss.

Thanks.

John

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**From:** Montanez, Yeliann [<mailto:Montanez.Yeliann@epa.gov>]

**Sent:** Wednesday, February 19, 2020 1:24 PM

**To:** John J. McNally

**Cc:** Floyd, Tanya; Swanson, Courtney; Krull, Joseph; Woodruff, Kevin; Snow, Jim

**Subject:** Montco Research Products Site - Section 104 (e) Information Requests/Invitation

Mr. McNally:

As you know, the deadline for your clients' complete response to the information request was extended from January 24, 2020, to February 18, 2020. As of today, the EPA has not received a response from your clients to the information request. A complete response to the information

request is mandatory. Your clients' failure to comply with the information request can result in an enforcement action against your clients pursuant to Section 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. § 9604(e). Your clients may also be subject to penalties of up to \$58,328.00 for each day of continued non-compliance. In addition, your clients' response to the EPA's invitation to conduct a time-critical removal action at the Montco Research Products Site was extended from January 30, 2020, to February 18, 2020. The EPA has not received a response from your clients in this regard and the extended deadline has concluded. Your clients' failure to respond to the EPA's invitation indicates that your clients are not willing to conduct the time-critical removal action.

Please do not hesitate to contact me or Tanya Floyd if you have any questions regarding this e-mail.

Sincerely,

Yeli

Yeliann Montañez

Attorney-Advisor

Office of Regional Counsel

U.S. EPA Region 4

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